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SENATE BILL 603

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO TAXATION; PROVIDING FOR AN INCOME TAX DEDUCTION FOR
TUITION PAYMENTS MADE TO A PRIVATE NONPROFIT ELEMENTARY OR
SECONDARY SCHOOL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Income Tax Act is enacted
to read:

"[NEW MATERIAL] DEDUCTION--TUITION PAYMENTS MADE TO A
PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.--

A. A taxpayer may claim a deduction from net income
in an amount not to exceed five hundred dollars (\$500) for the
payment of tuition for the taxpayer's dependent to attend full
time a private nonprofit elementary or secondary school
incurred during the taxable year for which the deduction is
being claimed. A husband and wife who file separate returns

1 for a taxable year in which they could have filed a joint
2 return may each claim only one-half of the deduction provided
3 for in this section that would have been allowed on the joint
4 return. Taxpayers having income both within and without this
5 state shall apportion this deduction in accordance with rules
6 of the secretary.

7 B. For the purposes of this section:

8 (1) "dependent" means a qualifying child as
9 defined in Section 152 of the Internal Revenue Code of 1986 who
10 is at least five years of age prior to 12:01 a.m. on September
11 1 of the school year and who has not received a high school
12 diploma or reached the age of eighteen; provided that a maximum
13 age of twenty-one shall be used for a qualifying child who is
14 classified as a special education student;

15 (2) "private nonprofit elementary or secondary
16 school" means an elementary or secondary school that has been
17 granted tax-exempt status by the internal revenue service
18 pursuant to Section 501(c)(3) or Section 170(c) of the Internal
19 Revenue Code of 1986 and that is accredited by the public
20 education department; and

21 (3) "tuition" means the amount of money
22 charged to students for instructional services, which may be
23 charged per term, per course or per credit. "Tuition" does not
24 include required general or other fees."

25 Section 2. APPLICABILITY.--The provisions of this act

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apply to taxable years beginning on or after January 1, 2010.

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